

EAST DEVON DISTRICT COUNCIL
Minutes of the meeting of Cabinet held
at Knowle, Sidmouth on 8 February 2017

Attendance list at end of document

The meeting started at 5.31pm and ended at 7.07pm

***132 Public Speaking**

There were no members of the public present who wished to speak.

***133 Minutes**

The minutes of the Cabinet meeting held on 11 January 2017 were confirmed and signed as a true record.

***134 Declarations**

Councillor Jill Elson – Minute 145
Interest: Personal
Reason: Community Transport

Councillor Andrew Moulding – Minute 145
Interest: Personal
Reason: Trustee of Axminster Heritage Ltd

Councillor Tom Wright – Minute 145
Interest: Personal
Reason: Member of Budleigh Salterton Cricket Club

***135 Matter of urgency**

None

***136 Matters referred to the Cabinet**

There were no matters referred to the Cabinet by the Overview and Scrutiny Committees.

***137 Exclusion of the public**

There were no confidential items that officers recommended should be dealt with in this way.

***138 Forward Plan**

Members noted the contents of the forward plan for key decisions for the period 1 March 2017 to 30 June 2017.

139 Minutes of the Housing Review Board held on 12 January 2017

Members received the Minutes of the Housing Review Board held on 12 January 2017

RESOLVED (1) that the following be noted:

Minute 40 – Forward Plan

Minute 44 - Insurance claim settlement (storm damage)

Minute 53 - Shared house update (St Andrews Road, Exmouth) – the work is now complete and the property is let.

Minute 55 - Annual report to tenants 2015/16

Minute 56 - HouseMark annual benchmarking report

RESOLVED (2) that the following recommendations be agreed:

Minute 43 - Support and alarm service charges to sheltered homes 2017/18

That the previously agreed final year of the three year phased introduction of support charges in sheltered housing be not applied.

Minute 45 - New models of housing delivery

1. the Housing Review Board support the outline proposal to establish a Local Housing Company in preference to joining a Joint Venture arrangement,
2. the Housing Review Board invites the Strategic Lead – Housing, Health and Environment to work up the Local Housing Company proposal, including an initial risk assessment and due diligence considerations;
3. a further report is brought back to the Housing Review Board and to Cabinet on the findings and suggested way forward.

Minute 47 - Alternative models to deliver housing repairs and maintenance

The Strategic Lead – Housing, Health and Environment be authorised to appoint consultants to scope, appraise and advise on alternative service delivery options for the repairs and maintenance of tenants' homes.

Minute 48 - Extension of responsive repairs and voids contract

that the current responsive day to day repairs and void work to Council housing stock contract be extended for one year from July 2017 to July 2018.

Minute 49 (1) – Revised asbestos management plan and procedures

Minute 50 - Legionella management plan

Minute 51 (1) – Review of Landlord Disabled Adaptation policy (for Council homes)

Minute 52 - Installation of air source heat pumps at Rodney Close, Exmouth

Minute 54 - Right to Buy update

1. the update report on the use of Right to Buy receipts and commuted sums to secure suitable property to add to the Council's housing stock be noted.
2. delegated authority be given to the Strategic Lead – Housing, Health and Environment, Portfolio Holder for Sustainable Homes and Communities and Chair of the Housing Review Board to approve further purchases to meet Right to Buy spending deadlines using either Housing Revenue Account funding or a loan from the Public Works Loan Board as match funding.
3. the options put forward be noted and supported, including working with Registered Providers to spend the Right to Buy receipts.
4. delegated authority be given to the Strategic Lead – Housing, Health and Environment, Portfolio Holder for Sustainable Homes and Communities and Chair of the Housing Review Board to approve bids from Registered Providers for grant.
5. delegated authority be extended to the Strategic Lead – Governance and Licensing so that the implementation of a Registered Provider agreement and Registered Provider bidding criteria can be approved.

RECOMMENDED (1) that the following be taken into account during the budget setting process (agenda item 14 refers):

Minute 41 - Draft Housing Revenue Account budget 2017/18

Minute 49 (2) – an additional £100,000 be approved for the management of asbestos in the housing stock

Minute 51 (2) – Review of Landlord Disabled Adaptation policy increase revenue budget to £100,000 for adaptations to housing stock for disabled persons (2017/18 revenue budget)

RECOMMENDED (2) that the following be referred to Council for approval:

Minute 42 - Draft Housing Service Plan 2017/18.

Minute 46 – Revised tenancy policy and tenancy strategy

Minute 57 - Housing Review Board recruitment

1. the revised recruitment and selection process of co-opted members of the Housing Review Board be adopted.
2. three current Board members be selected to assist in the selection of co-opted members; these were Councillor Jim Knight, tenant Mike Berridge and independent community representative Christine Drew.
3. the terms of reference of the Housing Review Board be updated accordingly.

140 **Minutes of the Strata Joint Executive Committee held on 16 January 2017**

Members received and noted the Minutes of the Strata Joint Executive Committee held on 16 January 2017

RECOMMENDED that the following be referred to Council for determination.

Minute 6 - Update on Strata Implementation Plan creating revised Business Plan 2017/18

1. the Revised Business Plan for Strata;
2. the adoption of the revised Business Plan for Strata which includes a revised savings profile; and
3. the following additions to their capital programmes to allow the 2017/18 convergence plan and new contact centre software to be delivered

Capital Funding 2017/18 for Software Convergence Plans		
Organisation	Contribution %	Capital Funding
East Devon District Council	36.692	£190,615
Exeter City Council	35.936	£186,687
Teignbridge District Council	27.372	£142,198
Total		£519,500

***141 Minutes of the Strata Joint Scrutiny Committee held on 16 January 2017**

Members received and noted the Minutes of the Strata Joint Scrutiny Committee held on 16 January 2017

***142 Minutes of the Strategic Planning Committee held on 17 January 2017**

Members received and noted the Minutes of the Strategic Planning Committee held on 17 January 2017, and further;

Minute 28 – Adoption of Gypsy and Traveller Site Design and Layout Supplementary Planning document

RESOLVED: that Cabinet adopts the Gypsy and Traveller Site Design and Layout Supplementary Planning Document as agreed by the Strategic Planning Committee.

Minute 31 - Status of Planning Guidance

RESOLVED – that Cabinet confirms withdrawal of the Planning Guidance shown in the table at 2.5, listed as ‘withdraw’ in the committee report ‘Status of Planning Guidance’ as reported to the Strategic Planning Committee on 17 January 20107.

143 Minutes of the Joint Overview and Scrutiny Committees held on 18 January 2017

The Chairman of Joint Overview and Scrutiny Committees wished to thank Simon Davey, officers and members for a particularly useful and informative meeting. He also thanked Cllr Graham Godbeer for stepping in as the vice chairman.

Members received and noted minutes of the Joint Overview and Scrutiny Committees held on 18 January 2017, and further;

RECOMMENDED (1) that the following be taken into account during the budget setting process (agenda item 14 refers)

Minute 4 - Committee recommended amendments to the Draft Service Plans for 2017/18

1. the addition of a performance indicator for local land charges searches;
2. the addition of an objective to review charges that could be made for planning related activity (this is in line with the Transformation Strategy);
3. Planning's key performance indicator on planning application determination timescales be amended to align to the figures reported to Government;
4. the addition of drafting a rural economic strategy;

and that those reviewed Service Plans for 2017/18 be recommended to Council for adoption.

Minute 5 - Draft Revenue and Capital Budgets 2017/18

1. the Council increases the Council Tax for 2017/18 by £5 per year;
2. the draft Capital Budget for 2017/18 be recommended to Council and the committees support the inclusion of the Axminster Heritage Centre grant of £50K.
3. the draft Revenue Budget for 2017/18 be recommended to Council, subject to the inclusion of:
 - a) Greater Exeter Strategic Plan £234,000 one off sum;
 - b) Economic Development Officer £38,500 per year;
 - c) Property Records Officer £22,500 per year;
 - d) Business Administration Apprentice £16,880 per year – expected to be for an 18 month placement;
 - e) Corporate Property Systems Development £22,500 one off sum;

and the deferral of the transformation strategy saving relating to Street Scene - recharge event cost clear up, until a review of the implications of the recharge by the is undertaken by the Scrutiny Committee, and their recommendations considered.

144 Programme of meetings 2017/18

The Cabinet considered the proposed timetable of meetings for the next Council year. The date of the July Cabinet meeting will be changed from Wednesday 5 July to Wednesday 12 July to avoid a clash with the LGA Annual Conference – the amended timetable will be referred to the annual meeting of the Council.

RECOMMENDED:

that the draft meetings timetable (including the amended date of the July Cabinet) be referred for approval to the annual meeting of the Council.

RESOLVED:

that the 2017 Annual Council meeting be held on Wednesday 17 May.

REASON:

To meet the legal requirement to hold an annual meeting and also such other meetings as necessary for the conduct of the Council's business in accordance with its constitution.

145 **Revenue and Capital Estimates 2017/18**

The Strategic Lead, Finance informed Cabinet of the adopted draft Revenue and Capital Estimates for 2017/18 at its meeting on 11 January 2017. A meeting of the Overview and Scrutiny Committees reviewed those budgets on 18 January and the Housing Review Board considered the Housing Revenue Account budgets on 12 January.

Proposals from those meetings were detailed in the report and the minutes of those meetings were contained on the agenda. It was for Cabinet to consider those comments and proposals and to make final recommendations to Council.

As part of the Prudential Code for Capital Finance in Local Authorities the Council was required to set prudential indicators as part of its budget setting process, these indicators were detailed in the Treasury Management Strategy 2017/18 – Minimum Revenue Provision Policy Statement and Annual Investment Strategy.

RECOMMENDED:

that Cabinet recommends to Council:

1. the Net Revenue General Fund Estimate of £13.782m as referenced in 2.6 of the report be approved,
2. a Council Tax increase of £5 a year giving a Band D council tax of £131.78 a year for 2017/18 be approved,
3. the Housing Revenue Account Estimates with a net surplus of £0.522m be approved,
4. the Net Capital Budget totalling £13.087m be approved, and
5. a Council Tax requirement for West Hill Parish Council is agreed at £55,000 for 2017/18 giving a Council Tax Band D amount of £50.41 be agreed.

REASON:

There was a requirement for the Council to set a balanced budget for both the General Fund and Housing Revenue Account and to levy a Council Tax for 2017/18.

146 **Treasury Management Strategy 2017/18 – Minimum Revenue Provision Policy Statement and Annual Investment Strategy**

The Strategic Lead, Finance presented the report stating The Chartered Institute of Public Finance and Accountancy (CIPFA) produce a Code of Practice for treasury management for Public Services. One of the main recommendations of this code was the requirement for an annual Treasury Management Strategy to be formally adopted by the Council. There was also a requirement to set prudential indicators relating to all treasury activities that the authority would undertake in the forthcoming financial year.

Two amendments were made to Table 12. of the strategy;

1. the General Fund upper limit for Years 2-5 was now 85%
2. the HRA upper limit for Years 6-10 was now 25%

RECOMMENDED:

that Council approve and adopt:

1. the Treasury Management Strategy including the Prudential Indicators for 2017/18;
2. the Minimum Revenue Provision Policy Statement; and

3. the updated list of counterparties be approved.

REASON:

The Council was required to formally adopt a Treasury Management Strategy and set prudential indicators before the beginning of the financial year.

*147 **Financial Monitoring Report 2016/17 - Month 9, December 2016**

The report gave a summary of the Council's overall financial position for 2016/17 at the end of month nine (31 December 2016).

Current monitoring indicates that:

- The General Fund Balance was being maintained at or above the adopted level.
- The Housing Revenue Account (HRA) Balance would be maintained at or above the adopted level.
- There was a sufficient Capital Reserve to balance this year's capital programme.

The Portfolio Holder Sustainable Homes and Communities wished to congratulate the council's tenants for their excellent record for paying rents on time, which contributed to the HRA's healthy position.

The Deputy Leader praised the Finance and Treasury departments for their excellent work. He noted that this demonstrated the council's finances were in very good hands and that the figures showed balanced budgets and a healthy financial forecast.

RESOLVED:

that the variances identified as part of the Revenue and Capital Monitoring process up to Month nine be acknowledged.

REASON:

The report updates Members on the overall financial position of the Authority following the end of each month and includes recommendations where corrective action is required for the remainder of the financial year.

148 **Heart of the South West Devolution Update**

The Deputy Chief Executive gave an update following the July 2016 'in principle' Council approvals to progress negotiations for a devolution deal and the establishment of a Combined Authority, both subject to further report and the approval of the 17 councils.

The report outlined proposals for the:

- Preparation and approval of a HotSW Productivity Plan to take forward the HotSW Prospectus for Productivity which was prepared in support of the partnership's aspirations to secure a devolution deal and approved by the councils in February 2016.
- Creation of a formal HotSW Joint Committee of the local authorities, national park authorities and partners to take forward the Productivity Plan.

The proposals outlined above were covered by common recommendations in the report to be considered by all of the councils during February/March 2017.

Discussions included the following:

- The need to scale down the numerous committees; uses up officers' time across all authorities
- No detail on how devolution would be delivered

- Shortage of people for skilled jobs
- No discussions had been taken up with secondary schools
- Funding must go the right people and the right places
- The need to understand the workforce
- Skills, innovation and work ethic was vital.
- Need to investigate the deal to see how to get more funding
- Where was the HotSW going, could a need a more detailed update be provided?
- Update was vague with scarce resources at EDDC going towards this
- This was a productivity plan – should demonstrate increased innovation for skills, tradesmen and apprenticeships
- This a more refined and focused document that Local Authorities would own into the future
- EDDC as a Local Authority had sufficient diversity and growth potential so would really benefit from this partnership
- Members had the freedom and time to be able take the final decision later on

RECOMMENDED:

that Cabinet recommends to Council:

1. the update about the HotSW Combined Authority / devolution deal proposals (including noting that a Joint Committee, if established, will have responsibility for developing future 'deal' and combined authority proposals for recommendation to the constituent authorities) be noted,
2. the proposals for the HotSW Productivity Plan preparation and consultation proposals (including noting that a Joint Committee, if established, will have responsibility for approving and overseeing the implementation of the Productivity Plan) be approved,
3. that the following be agreed;
 - (a) 'In principle' to the establishment of a HotSW Joint Committee with a Commencement Date of Friday 1st September 2017 in accordance with the summary proposals set out in the report;
 - (b) the 'in principle' decision at (a) above was subject to further recommendation and report to the constituent authorities after the County Council elections in May 2017 and confirmatory decisions to:
 - approve the establishment of the Joint Committee;
 - a constitutional 'Arrangements' document;
 - an 'Inter-Authority Agreement' setting out the support arrangements;
 - appoint representatives to the Join Committee;
 - appoint an Administering Authority.

REASON:

The urgent and essential need to improve productivity across the HotSW area was the driver for the recommendations in the report.

The Productivity Plan would replace the Local Enterprise Partnership's Strategic Economic Plan. It would be the key strategic document for the partners to engage with Government on a range of investment opportunities and powers emerging from the Industrial Strategy and the National Infrastructure Fund.

The recommendations reflect the position reached with the Government on the Combined Authority / devolution deal matters. With no agreement in sight on either issue

the Leaders wished to put in place an alternative formal collaboration arrangement at HotSW level to maintain and take forward the momentum achieved by the partnership.

The HotSW Joint Committee would provide a formal strategic partnership to complement and maximise the ability of local sub-regional arrangements to deliver their aspirations. It would allow the partners to collaborate to agree and deliver the Productivity Plan as well as engage effectively with the Government, other deal areas and other LEPs on a range of policy agendas. It would allow the partnership to test and improve its ability to work together as a potential precursor to the establishment of a Combined Authority at some point in the future. It would also provide a mechanism to work alongside and influence the LEP on strategic investment decisions affecting the HotSW area and to secure improvements to LEP governance and accountability.

Without a Joint Committee in place at this time at a strategic level, the HotSW area was likely to find itself disadvantaged in terms of taking advantage of Government policy initiatives and new funding opportunities compared to those areas that have and were establishing formal strategic partnerships. Although a Joint Committee cannot undertake the full range of functions of a Combined Authority, it would provide a mechanism towards the establishment of a Combined Authority if deemed appropriate, including the potential to operate as a shadow Combined Authority at some point in the future.

***149 Urgent asbestos works required to Council housing stock**

The report advised Cabinet that exemption to standing orders had been applied in order to complete urgent works relating to the presence of asbestos containing material (ACM) across 2 sites within the Council's housing stock.

The two sites were;

- Home Safeguard Offices, Lymebourne Park, Sidmouth. Basement area currently out of bounds due to ACM found to be present
- Poplar Mount sheltered flats, Axminster. Loft space area currently out of bounds due to ACM found to be present.

As an immediate safety precaution, the areas were both currently closed off and no access was currently permitted without the support of an asbestos specialist who can carefully manage any urgent need to enter the spaces. This required significant works and cost in terms of creating an enclosed area that can be safely accessed.

RESOLVED:

that the exemption to Contract Standing Orders to enable the removal of the ACM in order to ensure access can be resumed to the two sites be noted.

REASON:

To ensure the ongoing health and safety of sites that may need to be accessed at anytime of the day or night to ensure service delivery is maintained.

***150 Consultation on draft proposals to introduce a new Public Space Protection Order – Anti-Social Behaviour and Controlled Drinking etc in Exmouth and Sidmouth**

The Principal Environmental Health Officer presented the report that sought Cabinet approval to undertake a consultation process introducing a Public Space Protection Order (PSPO), to target antisocial behaviour within Exmouth town centre and the surrounding area. It was to replace existing Designated Public Places Orders to control

the consumption of alcohol within areas of Exmouth and Sidmouth. The facility to introduce PSPOs was included within the Anti-Social Behaviour Crime and Policing Act 2014.

RESOLVED:

that a consultation on the introduction of a new PSPO as required by the Anti-Social Behaviour Crime and Policing Act 2014 be carried out.

REASON:

In order to meet the requirements to carry out a consultation before introducing a PSPO.

*151 **Energy Act 2011 and the Minimum Energy Efficiency Standards (MEES) from April 2018**

The Council's Corporate Asset Management Plan highlighted the need to respond to the implications of the Energy Act 2011. The Action Plan adopted by the Asset Management Forum in July 2015 had now been completed. The report summarised current industry thinking, the Act's potential impact on East Devon District Council's tenanted property portfolio and recommended mitigation measures.

RESOLVED:

1. that monitoring developments in guidance on the application of this legislation from now until April 2018, and beyond to April 2023 be continued. Changes in the legislation between now and April 2018 were possible,
2. that in order to cover the worst case scenario, a bid for commitment in the capital programme for installation of low energy lighting in workspace units at Riverside (Seaton), Manstone (Sidmouth), and Salterton Workshops (Budleigh) in 2018 would be made and noted. The total budget estimate for this was approx. £85,000 + VAT,
3. that a capital programme bid had been made for the installation of a roof mounted solar PV system and low energy lighting at East Devon Business Centre Honiton. The total cost budget was £60,000 with £5,000 per annum estimated savings; be noted,
4. that from now until April 2018, ensure the impact of these regulations were considered in the drafting of any new leases, particularly in relation to alterations to the premises by tenants, and responsibility for improvements required by the new legislation; be noted.

REASON:

1. Statutory compliance and good practice as a Local Authority and Landlord of commercial premises.
2. To minimise the potential inability to let certain properties (if exemptions do not apply) and therefore a potential reduction in revenue income.
3. To avoid the potential reputational damage and financial loss from Trading Standards imposing a penalty notice on EDDC for non-compliance.
4. To reduce the carbon footprint of EDDC's estate and running costs at its operational buildings.

***152 Monthly Performance reports – December 2016**

The report set out performance information for December 2016. This allowed Cabinet to monitor progress with selected performance measures and identify any service areas where improvement was necessary.

There were three indicators that were showing excellent performance:

1. Percentage of planning appeal decisions allowed against the authority's decision to refuse
2. Days taken to process Housing Benefit/Council Tax Benefit new claims and change events
3. Working days lost due to sickness absence

There were no performance indicators showing as concern.

RESOLVED:

that the progress and proposed improvement action for performance measures for the 2016/17 financial year for December 2016 be noted.

REASON:

the performance reports highlighted progress using a monthly snapshot report; SPAR report on monthly performance indicators and system thinking measures in key service areas including Development Control, Housing and Revenues and Benefits.

***153 Banking Arrangements**

The report reviewed the provision of the general banking facilities, as the contract with Lloyds Bank plc was due for renewal.

RESOLVED:

that the exemption to the Council's contract standing orders and renewal of the contract with Lloyds Bank plc for 5 years be approved.

REASON:

The service provided by Lloyds Bank plc was satisfactory and the cost and amount of work involved in switching to another provider would outweigh the marginal annual savings achieved.

Attendance list

Present:

Paul Diviani	Leader
Andrew Moulding	Deputy Leader/Strategic Development and Partnership

Portfolio Holders:

Iain Chubb	Environment
Jill Elson	Sustainable Homes and Communities
Phil Twiss	Corporate Services
Ian Thomas	Finance
Philip Skinner	Economy
Tom Wright	Portfolio Holder Corporate Business

Cabinet Members without Portfolio:

Geoff Pook
Eileen Wragg

Non-Cabinet apologies:

Mike Allen
Peter Bowden
Maddy Chapman
Steve Gazzard
Mike Howe
Douglas Hull
Ben Ingham
Val Ranger
Brenda Taylor
Mark Williamson

Also present (for some or all of the meeting)

Councillors:

Megan Armstrong
Brian Bailey
David Barratt
Colin Brown
Jenny Brown
Paul Carter
Alan Dent
John Dyson
Peter Faithfull
Roger Giles
Graham Godbeer
Ian Hall
Steve Hall
John Humphreys
Geoff Jung
Rob Longhurst
Dawn Manley
John O'Leary
Helen Parr
Marianne Rixson
Pauline Stott

Also present:

Officers:

Richard Cohen, Deputy Chief Executive
Simon Davey, Strategic Lead – Finance
John Golding, Strategic Lead – Housing, Health & Environment
Henry Gordon Lennox - Strategic Lead - Governance and Licensing
Janet Wallace, Principal Environmental Health Officer
Alice Gill, Technical Officer Environmental Health
Amanda Coombes, Democratic Services Officer

Officer apologies:

Mark Williams, Chief Executive

Chairman Date.....